

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

MICHAEL ROY TONEY, #999314                   §  
VS.   §                   CIVIL ACTION NO. 9:06cv23  
DOUG DRETKE, ET AL.                               §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the Plaintiff's motion to dismiss (docket entry #17) is **GRANTED**. It is further

**ORDERED** that the complaint is **DISMISSED** without prejudice. All motions by either party not previously ruled on are hereby denied.

So **ORDERED** and **SIGNED** this **19** day of **July, 2006**.

  
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Ron Clark, United States District Judge